



## Office for People With Developmental Disabilities

ANDREW M. CUOMO  
Governor

KERRY A. DELANEY  
Acting Commissioner

### CERTIFIED-RETURN RECEIPT

June 18, 2015

Mr. Timothy Pfohl, Executive Director  
Southeast Community Work Center  
181 Lincoln Street  
Depew, NY 14043

JoAnne Hudecki, Board of Directors President  
[REDACTED]

Dear Mr. Pfohl and Ms. Hudecki;

This letter constitutes formal notification of the Office for People With Developmental Disabilities (OPWDD) intent to impose a \$3,000 fine on your agency.

Pursuant to Mental Hygiene Law §16.17(g), the Commissioner may impose a fine upon a finding that the holder of the certificate has failed to comply with the terms of an operating certificate or with the provisions of any applicable statute, rule or regulation. This process was explained in the OPWDD Accountability Initiative Memorandum dated June 1, 2011, a copy is enclosed.

This fine has been imposed on your agency due to serious issues which arose during a recent monitoring visit conducted by staff from the Division of Quality Improvement (DQI) on May 18, 2015 at 1504 Como Park Blvd, Depew.

During the course of the survey, DQI survey staff identified an issue of non-compliance that rose to the level of imminent danger. On May 18, 2015, at 5:30 am, DQI surveyors arrived at the residence to conduct a monitoring visit. Upon entering the residence, 2 of 3 staff were observed to be asleep. This determination was made in front of the third staff member and an individual residing in the home.

This required an immediate plan of corrective action. This IRA has a recent history of not maintaining adequate levels of staff. There are four additional reportable incidents under investigation at his time involving either staff sleeping while on duty, or less than minimum number of staff on duty. Subsequently, a 45 day letter was issued.

As described in the OPWDD Accountability Initiative Memorandum dated June 1, 2011, *failure to identify and implement adequate corrective measures to prevent similar abuse from recurring (i.e. failure to identify or implement changes in procedures for training, supervision or monitoring of staff and /or services needed to prevent a similar event from occurring)* constitutes an example of failure to comply with OPWDD regulations.

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Executive Office

44 Holland Avenue, Albany, NY 12229-0001 | 886-946-9733 | [www.opwdd.ny.gov](http://www.opwdd.ny.gov)

You have the right to an administrative hearing to appeal the imposition of this fine. You also have the right to be represented by an attorney at such hearing. If you want a hearing, you must submit a written request within 30 days from service of notice of this proposed action. Your request must include a declaration of the issues alleged to be involved and documentation of the agency's position as to each identified issue. Send your request to:

Kerry Delaney, Acting Commissioner  
NYS Office for People With Developmental Disabilities  
3<sup>rd</sup> Floor  
44 Holland Avenue  
Albany, NY 12229

Your written request for a hearing must include a copy of this letter. You should also submit a copy of your request to me. If you decide not to request a hearing, please remit payment of your fine immediately. The money should be sent in a lump sum payment. A check is the only acceptable form of payment. The check should be payable to OPWDD and forwarded to the following address:

OPWDD  
Attention: Roger Bearden, General Counsel  
Counsel's Office – 3rd Floor  
44 Holland Avenue  
Albany, NY 12229-0001

Finally, please be aware that the imposition of this fine does not preclude OPWDD from taking further adverse action if your agency continues to fail to maintain compliance with OPWDD regulations.

Sincerely,



Megan O'Connor-Hebert  
Deputy Commissioner  
Division of Quality Improvement

Enc.

cc: Board of Directors  
Kerry Delaney, Acting Commissioner  
Helene DeSanto, Deputy Commissioner  
Roger Bearden, General Counsel  
Tamika Black, Deputy Director, DQI  
Abiba Kindo, Associate Deputy Commissioner  
Kirk Maurer, DDRO Region 1 Director  
Cheryl Mugno, Deputy Counsel  
Michael Savery, Regional Director, DQI  
Daniel Caryl, Area Director, DQI  
Leslie Fuld, Director, DQI/IMU  
James Nellegar, Director, Audit Services